

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

TOMMIE HARDY, )  
                      )  
Plaintiff,         )  
                      )  
vs.                 )              Case No. 4:19-CV-00237-DGK  
                      )  
CITY OF KANSAS CITY, MISSOURI     )  
                      )  
Defendant.         )

**AMENDED NOTICE OF VIDEO DEPOSITION**

Comes now Plaintiff by and through counsel, and, pursuant to Rule 30(B)(6) of the Federal Rules of Civil Procedure, do hereby respectfully request that Defendants designate one or more officers, directors or managing agent or other persons to testify on behalf of the City on the matters identified herein and to produce said person or persons for deposition on the following date, time, and at the following location:

**DATE:**           **November 12, 2019**  
**TIME:**           **9:30 a.m.**  
**LOCATION:**      **THE CITY OF KANSAS CITY**  
                     **2300 Oak Street, #14**  
                     **Kansas City, Missouri 64106**

The person or persons designated by the City shall testify as to matters known or reasonably available to the said Defendant. If the City identifies and produces more than one person to testify regarding the matters designated herein, all persons so designated shall appear at the foregoing place at the date and times specified herein. The deposition(s), if not completed on

the aforementioned day, will be continued from day to day, at the same place between the hours of 9:30 a.m. and 5:00 p.m. until completed.

Pursuant to FED. R. CIV. P. 30(B)(2), the person designated by the City is further requested to bring such documents as is necessary to fully explain the subject matters set forth herein and such documents that will provide the answers to such questions.

Pursuant to FED. R. CIV. P. 30(C)(1), the testimony of the person or persons designated by the City shall be taken under oath and recorded by a certified court reporter from the Cooper Group. Please be advised that, in addition to stenographic recording, the deponent(s) testimony shall be recorded by video as provided for in FED. R. CIV. P. 30(B)(3)(A). David A. Lunceford, Lunceford Law Firm, 201 Southeast 1st Street, Lee's Summit, Missouri 64063 will be the recording technician.

### **DESIGNATED MATTERS**

1. Policies and procedures of the City prohibiting discrimination and retaliation in the workplace.

2. Policies and procedures setting forth or describing the requirements of investigating complaints of discrimination applicable to employees of the City, including the identification of any written policies regarding the same.

3. A complete description of and related details regarding investigations, if any, conducted by or on behalf of the City of any complaint by Plaintiff concerning discrimination including the persons contacted, detailed description of the investigation conducted, the dates of the investigation(s), a description and identification of the documents reflecting such investigation, the results of such investigation, and any corrective action taken in response to such investigation.

4. For the time period March 30, 2014 through the date of deposition, all complaints of discrimination made against the City and/or its employees.

5. For the time period March 30, 2014 through the date of deposition, investigations by the City including any offices and/or departments thereof (such as human resources departments or offices), into complaints of discrimination including the following:

- a. the number of discrimination complaints made by category of type of discrimination, hostile work environment, and retaliation;
- b. the identity of individuals who allegedly committed the acts of discrimination;
- c. the identity of the person making the allegations of discrimination;
- d. the alleged acts of discrimination allegedly committed by the persons identified in (b);
- e. whether investigations were conducted into the alleged acts of discrimination;
- f. if an investigation was conducted, the identity of the investigator;
- g. the outcomes of investigations including whether the individuals who allegedly committed the acts of discrimination were exonerated or were found to have committed acts of discrimination; and
- h. the discipline administered for the persons who were found to have committed acts of discrimination.

6. Hierarchy of the City's personnel in the Water Services Department at the Water Supply Division Plant.

7. Hierarchy of the Human Resources Department over the Water Services Department at the Water Supply Division Plant.

8. Charges of Discrimination filed against the City and/or its employees since March 30, 2014 to the present.

9. Remedial efforts taken to prevent discrimination since March 30, 2014 to the present.

10. Job description of Senior Plant Operator and any training related to the job of Senior Plant Operator.
11. The City's policy for its employees working out of class.
12. The City's disciplinary policy for the Water Services Department at the Water Supply Division Plant.
13. The City's policies and procedures for when there are conflicting narratives amongst employees regarding predetermination hearings in the Water Services Department.
14. The City's policies and procedures regarding its employee reassignment due to health-related physical limitations.
15. Disciplinary action taken against Plaintiff.
16. Plaintiff's performance evaluations.
17. Grievances filed by Plaintiff.
18. Employees who have been disciplined, suspended, and/or terminated within 6 months of making complaints of discrimination and/or retaliation.
19. The situation on May 18, 2016 that involved the accidental contamination and subsequent dumping of more than 3 million gallons of water as a result of improper lime slaker operation.
20. City's policies and procedures for daily duty reassessments.
21. Contracts between the City and Mark One during the period of Plaintiff's employment with the City.
22. Policies and procedures for assigning City's technicians with Mark One on jobs.
23. Information regarding Robert Slusher's work assignment on May 18, 2016.
24. Information regarding Larry Hoffman's work on assignment on May 18, 2016.

The deposition is being taken for purposes of discovery, for use at hearing or trial, or both, and for any other such purposes as are permitted under the Missouri Rules of Civil Procedure or other applicable law.

Respectfully submitted,

LUNCEFORD LAW FIRM, LLC

by:/s/ David A. Lunceford

David A. Lunceford, MO #47014  
Noah Ballard, MO #69953  
201 SE 1<sup>st</sup> Street  
Lee's Summit, Missouri 64063  
Telephone: (816) 525-4701  
Facsimile: (816) 347-0366  
[LLF.DLunceford@gmail.com](mailto:LLF.DLunceford@gmail.com)  
[LLF.NoahBallard@gmail.com](mailto:LLF.NoahBallard@gmail.com)  
ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent to all counsel of record through the Court's e-filing system on this 29<sup>th</sup> day of October, 2019.

/s/ David A. Lunceford  
Attorney for Plaintiff